

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18358 of 2019

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Osier Chaudhary, S/o Late Tapeswar Chaudhary, R/o Village-Bagicha Tola,
P.S. Kargahar, District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Rohtas at Sasaram
3. The Superintendent of Police Rohtas at Sasaram
4. The Superintendent of Police Excise, Rohtas
5. The Inspector, Bikramganj, Rohtas
6. The Sub Inspector Excise, Mobile, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jainendra Kumar, Advocate,
Mr. Vinay Kumar Singh, Advocate

For the Respondent/s : Mr. Vikash Kumar (Sc11)

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 05-11-2020

Heard the parties.

Petitioner has prayed for following relief:-

“ For issuance of an appropriate writ in
the nature of Certiorari for quashing
the order dated 29.11.2018 passed by



learned A.D.J.-II-cum-Special Judge, Rohtas at Sasaram in Excise Case No. 261/2018 as contained in Annexure-2 whereby and whereunder learned A.D.J.-II-cum-Special Judge, Excise was pleased to reject the petition of the petitioner filed for release of TVS Star City BR-24U-2267 and further for directing the respondents to release the vehicle in question.”

As there was recovery of illicit liquor from the seized vehicle as such same became liable for confiscation under section 58 of the Excise Act and in view of Bar of Jurisdiction in confiscation under section 60 of the Excise Act, no court has jurisdiction to make any order with regard to such property and as such the learned Special Judge, Excise has rightly refused to release the vehicle by order dated 29.11.2018 as contained in Annexure-2.

It has been submitted on behalf of counsel for the State that final order has been passed in Confiscation Case No. 44 of 2019 by the Confiscating Authority against the seized vehicle as such present writ petition is disposed of with liberty



to petitioner to avail the statutory remedy of appeal/revision against the order passed by the Confiscating Authority before approaching this Court.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

